IN THE CLAIMS:

A complete listing of the claims is set forth below.

1.   **(Currently Amended)** A system for brokering food order transactions among a plurality of unaffiliated sellers, comprising:

one or more databases containing:

buyer delivery information associated with each of a plurality of buyers, the buyer delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from each of the plurality of unaffiliated ~~seller;~~ sellers; and

unaffiliated seller delivery information for each of the plurality of unaffiliated ~~seller~~ sellers comprising a delivery area for each of the plurality of unaffiliated ~~seller~~ sellers and substantially real-time delivery time information for each of the plurality of unaffiliated ~~seller~~ sellers based at least in part on a current order backlog each of the plurality of unaffiliated ~~seller;~~ sellers; and

a food order transaction broker operable to:

receive a request for at least one particular food item from a buyer;

generate a list of one or more of the plurality of unaffiliated sellers ~~of~~ for at least one of the requested particular food ~~item~~ items according to a comparison of the requested particular food item with the substantially real-time availability information for each unaffiliated seller and a comparison of the buyer delivery information ~~for the buyer~~ with the unaffiliated seller delivery information, ~~delivery area of each unaffiliated seller,~~ the list reflecting the pricing information for at least one of the requested particular food ~~item~~ items, for each of the plurality of listed unaffiliated ~~seller,~~ sellers, ~~and~~ the delivery area of

each of the plurality of unaffiliated sellers, and the substantially real-time delivery time information for each of the plurality of listed unaffiliated seller; sellers; and

initiate a food order transaction concerning for at least one of the requested particular food item items with a particular one of the plurality of listed unaffiliated seller sellers selected from the list.

2. **(Currently Amended)** The system of Claim 1, wherein the indication of how important the delivery time is to the buyer at least one of the plurality of buyers includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

3. **(Currently Amended)** The system of Claim 1, wherein the maximum delivery time preference is obtained from the buyer at least one of the plurality of buyers while the buyer is registering as a new user of the system.

4. **(Currently Amended)** The system of Claim 1, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of the listed unaffiliated seller sellers within a predetermined time period preceding the request.

5. **(Currently Amended)** The system of Claim 1, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of the listed unaffiliated seller sellers.

6.   **(Currently Amended)** The system of Claim 1, wherein the broker is further operable to rank the plurality of listed unaffiliated sellers according to at least the substantially real-time delivery time information for each of the plurality of listed unaffiliated ~~seller~~ sellers.

7.   **(Currently Amended)** The system of Claim 1, wherein:

the one or more databases further contain preference information for ~~the~~ at least one of the plurality of ~~buyer;~~ buyers; and

the broker is operable to generate the list according to the preference information for ~~the~~ at least one of the plurality of ~~buyer~~ buyers, the list excluding any of the plurality of listed unaffiliated sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for ~~the~~ at least one of the plurality of ~~buyer.~~ buyers.

8.   **(Currently Amended)** The system of Claim 1, wherein the broker is further operable to communicate to ~~the~~ at least one of the plurality of ~~buyer~~ buyers a suggested alternative particular food item available from one or more of the plurality of unaffiliated sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of the plurality of unaffiliated ~~these~~ sellers, if the substantially real-time delivery time information for one or more of the plurality of listed unaffiliated sellers exceeds a threshold corresponding to the maximum delivery time preference of ~~the~~ at least one of the plurality of ~~buyer.~~ buyers.

9.   **(Currently Amended)** The system of Claim 1, wherein the substantially real-time availability information for at least one of the plurality of unaffiliated sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from one or more of the plurality of the unaffiliated ~~seller.~~ sellers.

10.   **(Currently Amended)** The system of Claim 1, wherein:

the one or more databases further contain rating information for one or more of the plurality of unaffiliated sellers; and

the broker is further operable to communicate to at least one of the plurality of ~~buyer~~ buyers the rating information for at least one of the plurality of listed unaffiliated ~~seller~~ sellers in association with the pricing and substantially real-time delivery time information for ~~the~~ one or more of the plurality of listed ~~seller.~~ sellers.

11.   **(Currently Amended)** The system of Claim 1, wherein the broker is further operable to:

communicate the list to ~~the~~ at least one of the plurality of ~~buyer~~ buyers.;

receive from ~~the~~ at least one of the plurality of ~~buyer~~ buyers a selection of ~~a particular~~ one of the plurality of listed unaffiliated ~~seller;~~ sellers; and

initiate the food order transaction with ~~the~~ ~~particular~~ one of the plurality of listed ~~seller~~ unaffiliated sellers in response to the selection.

12.   **(Currently Amended)** The system of Claim 1, wherein the broker is further operable to select ~~the~~ ~~particular~~ one of the plurality of listed ~~seller~~ sellers automatically according to at least the substantially real-time delivery time information for all of the plurality of listed unaffiliated sellers.

13. **(Currently Amended)** Software for brokering food order transactions among a plurality of unaffiliated sellers, the software being embodied in a computer-readable medium and when executed by a computer operable to:

receive a request for at least one particular food item from <u>one of a plurality of buyers</u> ~~a buyer~~;

access one or more databases containing:

<u>buyer</u> delivery information for <u>at least one of the plurality of buyers</u> ~~the buyer~~, the <u>buyer</u> delivery information comprises information selected from the group consisting of a maximum delivery time preference of <u>at least one of the plurality of buyers</u> ~~the buyer~~ and an indication of how important the delivery time is to the buyer;

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from <u>each of</u> the <u>plurality of</u> unaffiliated ~~seller;~~ <u>sellers;</u> and

<u>unaffiliated seller</u> delivery information for each <u>of the plurality of</u> unaffiliated ~~seller~~ <u>sellers</u> comprising a delivery area for the unaffiliated seller and substantially real-time delivery time information for <u>each of</u> the <u>plurality of</u> unaffiliated ~~seller~~ <u>sellers</u> based at least in part on a current order backlog for <u>each of</u> the <u>plurality of</u> unaffiliated ~~seller;~~ <u>sellers;</u>

generate a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested particular food item with the substantially real-time availability information for each <u>of the plurality of</u> unaffiliated ~~seller~~ <u>sellers</u> and a comparison of the <u>buyer</u> delivery information for the buyer with the delivery area of each unaffiliated seller, the list reflecting the pricing information for the requested particular food item for each <u>of the plurality of</u> listed unaffiliated ~~seller~~ <u>sellers</u>, and the substantially real-time delivery time information for each <u>of the plurality of</u> listed unaffiliated ~~seller;~~ <u>sellers;</u> and

initiate a food order transaction concerning the requested particular food item with ~~a particular~~ <u>one of the plurality of</u> listed unaffiliated ~~seller~~ <u>sellers</u> selected from the list.

14.   **(Currently Amended)** The software of Claim 13, wherein the indication of how important the delivery time is to <u>at least one of the plurality of buyers</u> ~~the buyer~~ includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

15.   **(Currently Amended)** The software of Claim 13, wherein the maximum delivery time preference is obtained from <u>at least one of the plurality of buyers</u> ~~the buyer~~ while the buyer is registering as a new user of the system.

16.   **(Currently Amended)** The software of Claim 13, further operable to rank the <u>plurality of</u> listed <u>unaffiliated</u> sellers according to at least the substantially real-time delivery time information for each <u>of the plurality of</u> listed unaffiliated ~~seller.~~ <u>sellers.</u>

17.   **(Currently Amended)** The software of Claim 13, wherein:

the one or more databases contain preference information for <u>at least one of the plurality of buyers;</u> ~~the buyer;~~ and

the software is further operable to generate the list according to the preference information for <u>at least one of the plurality of buyers</u> ~~the buyer~~, the list excluding any <u>of the plurality of listed unaffiliated</u> sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for the buyer.

18.   **(Currently Amended)** The software of Claim 13, further operable to initiate communication to <u>at least one of the plurality of buyers</u> ~~the buyer~~ of a suggested alternative particular food item available from one or more of the <u>plurality of listed unaffiliated</u> sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of ~~these~~ <u>the plurality of listed unaffiliated</u> sellers, if the substantially real-time delivery time information for one or more of the <u>plurality of</u> listed <u>unaffiliated</u> sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

19.   **(Currently Amended)** The software of Claim 13, wherein the substantially real-time availability information for at least one of the <u>plurality of listed unaffiliated</u> sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from <u>at least one of</u> the <u>plurality of listed unaffiliated</u> ~~seller.~~ <u>sellers.</u>

20.   **(Currently Amended)** The software of Claim 13, wherein:

the one or more databases contain rating information for one or more of the <u>plurality of listed unaffiliated</u> sellers; and

the software is further operable to initiate communication to <u>at least one of the plurality of buyers</u> ~~the buyer~~ ~~of~~ the rating information for at least one <u>of the plurality of</u> listed <u>unaffiliated</u> ~~seller~~ <u>sellers</u> in association with the pricing and substantially real-time delivery time information for <u>at least one of</u> the listed ~~seller.~~ <u>unaffiliated sellers.</u>

21.   **(Currently Amended)** The software of Claim 13, further operable to:

initiate communication of the list to <u>at least one of the plurality of buyers</u> ~~the buyer~~;

receive from <u>at least one of the plurality of buyers</u> ~~the buyer~~ a selection of ~~a particular~~ <u>at least one of the plurality of</u> listed <u>unaffiliated</u> ~~seller;~~ <u>sellers;</u> and

initiate the food order transaction with ~~the particular~~ <u>at least one of the plurality of</u> listed <u>unaffiliated</u> ~~seller~~ <u>sellers</u> in response to the selection.

22.   **(Currently Amended)** The software of Claim 13, further operable to select ~~the particular~~ <u>at least one of the plurality of</u> listed <u>unaffiliated</u> ~~seller~~ <u>sellers</u> automatically according to at least the substantially real-time delivery time information for all of the <u>plurality of</u> listed <u>unaffiliated</u> sellers.

23.   **(Currently Amended)** A system for brokering food order transactions among a plurality of <u>listed</u> unaffiliated sellers, comprising:

means for storing:

<u>buyer</u> delivery information associated with each of a plurality of buyers, the <u>buyer</u> delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

substantially real-time availability information identifying particular food items available from each of a plurality of <u>listed</u> unaffiliated sellers;

pricing information for the particular food items available from each <u>of the plurality of listed</u> unaffiliated ~~seller;~~ <u>sellers;</u> and

<u>unaffiliated seller</u> delivery information for each <u>of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> comprising a delivery area for the <u>at least one of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> and substantially real-time delivery time information for the <u>at least one of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> based at least in part on a current order backlog for ~~the~~ <u>at least one of the plurality of listed</u> unaffiliated ~~seller;~~ <u>sellers;</u>

means for receiving a request for at least one particular food item from <u>at least one of a plurality of buyers;</u> ~~a buyer;~~

means for generating a list of one or more <u>of the plurality of listed</u> unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the substantially real-time availability information for each <u>of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> and a comparison of the <u>buyer</u> delivery information for ~~a buyer~~ <u>at least one of the plurality of buyers</u> with the delivery area of each <u>of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u>, the list reflecting the pricing information for the requested particular food item for each <u>of the plurality of</u> listed unaffiliated ~~seller~~ <u>sellers</u>, and the substantially real-time delivery time information for each <u>of the plurality of</u> listed unaffiliated ~~seller;~~ <u>sellers;</u> and

means for initiating a food order transaction concerning the requested particular food item with ~~a particular~~ <u>at least one of the plurality of</u> listed unaffiliated ~~seller~~ <u>sellers</u> selected from the list.

24. **(Currently Amended)** A computer-implemented method of brokering food order transactions among a plurality of <u>listed</u> unaffiliated sellers, the method performed using a computer system comprising one or more processing units, the method comprising:

using the one or more processing units, receiving a request for at least one particular food item from <u>one of a plurality of buyers;</u> ~~a buyer~~;

using the one or more processing units, accessing one or more databases containing:

<u>buyer</u> delivery information for <u>at least one of the plurality of buyers</u> ~~the buyer~~, the <u>buyer</u> delivery information comprises information selected from the group consisting of a maximum delivery time preference of <u>at least one of the plurality of buyers</u> ~~the buyer~~ and an indication of how important the delivery time is to the at least one of the plurality of buyers;

substantially real-time availability information identifying particular food items available from each of a plurality of <u>listed</u> unaffiliated sellers;

pricing information for the particular food items available from each <u>of the plurality of listed</u> unaffiliated ~~seller;~~ <u>sellers;</u> and

<u>unaffiliated seller</u> delivery information for each unaffiliated seller comprising a delivery area for <u>each of</u> the <u>plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> and substantially real-time delivery time information for <u>each of</u> the <u>plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> based at least in part on a current order backlog for <u>each of</u> the <u>plurality of listed</u> unaffiliated ~~seller;~~ <u>sellers;</u>

using the one or more processing units, generating a list of one or more <u>of the plurality of listed</u> unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the substantially real-time availability information for each <u>of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u> and a comparison of the <u>buyer</u> delivery information for <u>at least one of the plurality of buyers</u> ~~the buyer~~ with the delivery area of each <u>of the plurality of listed</u> unaffiliated ~~seller~~ <u>sellers</u>, the list reflecting the pricing information for the requested particular food item for each <u>of the plurality of</u> listed

unaffiliated ~~seller~~ sellers, and the substantially real-time delivery time information for each of the plurality of listed unaffiliated ~~seller;~~ sellers; and

using the one or more processing units, initiating a food order transaction concerning the requested particular food item with ~~a particular~~ at least one of the plurality of listed unaffiliated ~~seller~~ sellers selected from the list.

25. **(Currently Amended)** The method of Claim 24, wherein the indication of how important the delivery time is to at least one of the plurality of buyers ~~the buyer~~ includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

26. **(Currently Amended)** The method of Claim 24, wherein the maximum delivery time preference is obtained from at least one of the plurality of buyers ~~the buyer~~ while the buyer is registering as a new user of the system.

27. **(Currently Amended)** The method of Claim 24, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of listed unaffiliated ~~seller~~ sellers within a predetermined time period preceding the request.

28. **(Currently Amended)** The method of Claim 24, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of listed unaffiliated ~~seller~~ sellers.

29.   **(Currently Amended)** The method of Claim 24, further comprising using the one or more processing units, ranking the <u>each of the plurality of</u> listed <u>unaffiliated</u> sellers according to at least the substantially real-time delivery time information for each <u>of the plurality of</u> listed <u>unaffiliated</u> ~~seller~~ <u>sellers.</u>

30.   **(Currently Amended)** The method of Claim 24, wherein:

the one or more databases contain preference information for <u>at least one of the plurality of buyers;</u> ~~the buyer;~~ and

the method further comprises generating the list according to the preference information for <u>at least one of the plurality of buyers</u> ~~the buyer~~, the list excluding any <u>of the plurality of listed unaffiliated</u> sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for <u>at least one of the plurality of buyers.</u> ~~the buyer.~~

31.   **(Currently Amended)** The method of Claim 24, further comprising using the one or more processing units, communicating to <u>at least one of the plurality of buyers</u> ~~the buyer~~ a suggested alternative particular food item available from one or more of the <u>plurality of listed unaffiliated</u> sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of ~~these~~ <u>the plurality of listed unaffiliated</u> sellers, if the substantially real-time delivery time information for one or more of the <u>plurality of</u> listed <u>unaffiliated</u> sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

32.   **(Currently Amended)** The method of Claim 24, wherein the substantially real-time availability information for at least one of the <u>plurality of listed unaffiliated</u> sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from <u>one or more of</u> the <u>plurality of listed unaffiliated</u> ~~seller.~~ <u>sellers.</u>

33.   **(Currently Amended)** The method of Claim 24, wherein:

the one or more databases contain rating information for one or more of the plurality of listed unaffiliated sellers; and

the method further comprises using the one or more processing units, communicating to at least one of the plurality of buyers ~~the buyer~~ the rating information for at least one of the plurality of listed unaffiliated ~~seller~~ sellers in association with the pricing and substantially real-time delivery time information for at least one of the plurality of listed unaffiliated ~~seller.~~ sellers.

34.   **(Currently Amended)** The method of Claim 24, further comprising:

using the one or more processing units, communicating the list to at least one of the plurality of buyers ~~the buyer~~;

using the one or more processing units, receiving from at least one of the plurality of buyers ~~the buyer~~ a selection of ~~a particular~~ at least one of the plurality of listed unaffiliated ~~seller;~~ sellers; and

using the one or more processing units, initiating the food order transaction with ~~the particular~~ at least one of the plurality of listed unaffiliated ~~seller~~ sellers in response to the selection.

35.   **(Currently Amended)** The method of Claim 24, further comprising using the one or more processing units, selecting ~~the particular~~ at least one of the plurality of listed unaffiliated ~~seller~~ sellers automatically according to at least the substantially real-time delivery time information for all of the plurality of listed unaffiliated sellers.

36.   **(Currently Amended)** The method of Claim 13, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises an estimated delivery time determined based on one or more actual delivery times for at least one of the plurality of listed unaffiliated ~~seller~~ sellers within a predetermined time period preceding the request.

37.   **(Currently Amended)** The method of Claim 13, wherein the substantially real-time delivery time information for at least one of the plurality of listed unaffiliated sellers comprises a recent actual delivery time for at least one of the plurality of listed unaffiliated ~~seller.~~ sellers.